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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

5 ANGELICA GARCIA,

CASE NO. 5:12-cv-06491 EJD

6 Plaintiff(s),
7 v.**ORDER DENYING DEFENDANTS'
REQUEST FOR ORDER FINDING THAT
SUMMARY JUDGMENT ORDER IS
FINAL; DENYING PLAINTIFF'S
MOTION FOR LEAVE TO FILE MOTION
FOR RECONSIDERATION**

8 FORTIS CAPITAL IV, LLC, et. al.,

9 Defendant(s).
10 _____/

[Docket Item No(s). 132, 136]

11 Presently before the court are two matters: (1) Defendants' request for an order finding that
12 the summary judgment order is final, and (2) Plaintiff's motion for leave to file a motion for
13 reconsideration of the same summary judgment order. See Docket Item Nos. 132, 136. As to these
14 matters, the court rules as follows:

15 1. Because a partial summary judgment is not considered a final order (see St. Paul Fire
 16 & Marine Ins. Co. v. F.H., 55 F.3d 1420, 1425 (9th Cir. 1995)), Defendants' request
 17 is DENIED. That said, however, the court clarifies that the jury in this action will not
 18 be asked to determine liability or damages for a claim of negligent hiring or negligent
 19 training and supervision. Nor will the issue of punitive damages be submitted to the
 20 jury.

21 2. Plaintiff's motion for leave to file a motion for reconsideration is DENIED.

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23 **IT IS SO ORDERED.**

24 Dated: May 12, 2014


 25 EDWARD J. DAVILA
 United States District Judge

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